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**The situation in Afghanistan and its implications for international peace and security**

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# The situation in Afghanistan and its implications for international peace and security

## Report of the Secretary-General

*Summary*

The present report describes the continuing efforts by the Afghan Transitional Administration to implement the Bonn Agreement since the last report, of 18 March 2003 (A/57/762-S/2003/333). The deteriorating security situation is identified as the main challenge facing the Afghan peace process and the international community is called upon to continue its strong engagement in Afghanistan.

The report draws attention to recent measures taken by the Afghan Transitional Administration to expand its authority throughout the country. The most significant measure was the decision taken on 20 May by the National Security Council to ban private military personnel and to enforce the collection of provincial revenues. The Administration has also made progress in civil service reform through the establishment of the Independent Reforms Commission of Administrative and Civil Services.

The constitutional process has progressed with, in particular, the establishment of the Constitutional Commission, which conducted public consultations throughout the country in June and July. A draft constitution will be made public in September 2003, and will be discussed at the Constitutional Loya Jirga scheduled for October 2003. Preparations for national elections have continued. The recent decision by the Afghan Transitional Administration to establish an Interim Afghan Election Commission is welcome as it allows for larger Afghan involvement in the electoral process.

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The furthering of the political process, together with reconstruction programmes, the improvement in the human rights situation, counter-narcotics programmes, and other aspects of the Bonn process, all depend to a great extent on the security situation. It is noted that security conditions have deteriorated in many parts of the country. Despite progress made in rebuilding the national army and police, much more needs to be done to reform the security sector, and there remains a pressing need for international security assistance beyond Kabul.

The report further describes the human rights situation in the country. In view of continuing threats against journalists, the importance of reforming the press law is emphasized. The report also illustrates efforts by the Afghan Transitional Administration and the United Nations to address women's rights. With regard to relief, recovery and reconstruction, the report highlights the status of refugee returns, health care and the reconstruction of transportation infrastructure.

# I. Introduction

1. The present report is submitted pursuant to Security Council resolutions 1401 (2002) of 28 March 2002 and 1471 (2003) of 28 March 2003, and General Assembly resolutions 57/113 A and B of 6 December 2002. It covers the period since the previous report, dated 18 March 2003 (A/57/762-S/2003/333). During this period, the Security Council also received regular briefings on the situation in Afghanistan (see S/PV.4750 and S/PV.4774).

# II. Implementation of the Bonn Agreement

## A. Expansion of government authority

2. During the period under review, the Afghan Transitional Administration initiated a number of measures aimed at expanding its authority throughout the country and continuing its reform of the civil administration. Extending the writ of the central government was hindered by the presence of ineffective, insubordinate, and at times corrupt officials in government posts at the national, provincial and district levels. The Ministry of the Interior reassigned or dismissed a number of those individuals, appointing qualified professionals to replace them. Although a few incumbents actively resisted the new appointments, the will of the Government is slowly prevailing. Nonetheless, much remains to be done before newly appointed officials are able to freely undertake their functions on behalf of the central Government, let alone before all government officials accept its authority.

3. In an effort to exert greater authority over the provinces, President Hamid Karzai summoned 10 of the country's provincial governors and two regional commanders to Kabul on 20 May 2003, demanding their compliance with a 13-point decision of the National Security Council and threatening resignation if they did not comply. The decision banned in particular the recruitment of private military personnel and unauthorized military action, reaffirmed the requirement that no individual hold both a military and a civilian post, and dissolved extra-governmental bodies and titles, along with any accompanying administrative and executive powers. The National Security Council decision was intended to send a strong message to the effect that the centre, not the periphery, sets national policy and that insubordination would not be tolerated. However, nearly two months after the signature of the decision, the extent of compliance and the Government's capacity to enforce the decision remain to be seen.

4. One area affected by the National Security Council decision where the central Government has had some effect is in the remittance of provincial revenues from customs and taxes to the national treasury. Immediately following the decision, the Finance Minister led delegations to the cities of Herat, Kandahar and Mazar-i-Sharif, and sent representatives to Jalalabad to review provincial finances and accounting practices. By mid-July, the Ministry of Finance had secured the transfer of around $56 million in customs revenues, although this amount is only a fraction of the total estimated funds owed to the central Government. Nonetheless, collection of this revenue enables the Transitional Administration to pay overdue government salaries, including to the police and military, reducing corruption, extortion, and other alternative economic activities. To better monitor future provincial revenue

collection and to ensure remittance to the Government, new customs directors are being appointed to customs houses and border gates. Collection of provincial revenues should enable the Government to address financial shortfalls, provide critically needed finances for central institutions, and gradually increase the self-sufficiency of the central Government (see A/57/762-S/2003/333, para. 2). For this to happen, however, the Government will need to take further steps to enforce the regularization of payment.

5. The payment of salaries directly affects government efforts to reform the civil service. The central Government is expected to issue a decree shortly on the restructuring of government ministries and guidelines for merit-based advancement. The measure marks an interim step towards the longer-term objective of appointing qualified civil servants and streamlining the ministries — although without timely payment of salaries, merit-based advancement will be meaningless. The establishment in June 2003 of a salary payment task force by the Ministry of Finance should assist in this regard. In addition to helping combat corruption, the work of the task force should improve the retention rate of civil servants and help instil loyalty to the central Government. Merit-based appointment and promotion of government officials should also be facilitated by the Independent Reforms Commission of Administrative and Civil Services, established by presidential decree on 11 June 2003. The Commission will have the power to remove corrupt senior Government officials, as well as those who do not meet minimum educational and other qualifications.

6. Financially, the Transitional Administration remains dependent upon the international donor community to meet the reconstruction goals laid out in the national development budget. For the current fiscal year, which began in March, the Government requested $2.2 billion (see A/57/762-S/2003/333, para. 4). During the High-Level Strategic Forum held in Brussels on 17 March, donors remarked that $2.2 billion for a development budget was high. However, the estimates made jointly by the World Bank, the Asian Development Bank and the United Nations Development Programme (UNDP) in 2002 reflected reconstruction needs of between $13 billion and $19 billion. In Brussels, donors pledged approximately $2 billion, leaving a shortfall of $200 million, part of which is being addressed through the collection of domestic revenues. The Transitional Administration has urged donor Governments to meet the level of pledges made in Brussels by increasing the level of their contributions to the Afghanistan Reconstruction Trust Fund, the primary channel for donor funding to the national development budget. For the current fiscal year, the Government sought $600 million for the Trust Fund. To date, donors have disbursed $182 million. Around $221 million in additional contributions is expected, providing the Government with a total expected income of only $403 million from the Trust Fund.

7. At this stage in Afghanistan's reconstruction, it is critical that development activities measurably improve peoples' lives and reinforce the legitimacy of the central Government. The commissions and national election mandated by the Bonn Agreement, as well as mine clearance, security sector reform, and disarmament, demobilization and reintegration, are extrabudgetary items that must be fully supported if the political process is to move ahead. In particular, financial assistance for training the police and the Afghan National Army — although outside areas traditionally funded by donors — are critical to the establishment of long-term security and to the creation of a solid foundation for today's investments. In this

regard, I urge Member States to honour their funding commitments and to provide additional assistance to Afghanistan in the years ahead.

8. The nationwide economic programmes that I described in my last report (see A/57/762-S/2003/333, para. 9) have begun and are making progress. The initiation by the Ministry of Rural Rehabilitation and Development of the National Area-Based Development Programme and the National Solidarity Programme should enable the central Government to meet some provincial reconstruction needs and to increase its visibility beyond Kabul. Launched in June 2003, the National Area-Based Development Programme is in the process of identifying district-level development priorities through a planning process managed by provincial departments of the Ministry of Rural Rehabilitation and Development. Under the leadership of provincial governors, four-day planning workshops were held in 21 provinces. Participants set priorities for assistance needs in each provincial district. The Programme has allocated each province $500,000, which will be used to fund at least one priority project in each district in 2003. The labour-intensive projects will focus on health, education, irrigation, roads, community development, and returns of internally displaced persons. Priority will be given to areas of food scarcity and poppy eradication, as well as areas to which refugees are returning.

9. The National Solidarity Programme began in the following five provinces with UN-Habitat as the implementing partner: Herat, Farah, Kandahar, Bamian and Parwan. In preparation for an expansion of services, the Ministry of Rural Rehabilitation and Development signed an agreement on 26 June with 16 non-governmental organizations which will implement the programme in 27 provinces. The Programme is promoting good governance by empowering democratic, transparent community decision-making, resource allocation, and project management. In the short term, these projects have limited resources; but in the long term, they should help build confidence in the Government and enhance participatory decision-making at all levels.

10. Since my last report, the pilot phase of the census project mandated by the Bonn Agreement has been completed and the first phase of the full census — updating maps and making preliminary population counts — has been completed in Parwan, Kapisa and Logar provinces under the leadership of the Afghanistan Central Statistics Office with support from the United Nations Population Fund (UNFPA) (see A/57/762-S/2003/333, para. 5). Once the first phase is completed early in 2004, the second phase will commence. Phase two, the national population census, will provide important demographic and socio-economic data necessary for national planning and development. As the time for preparing the elections is short, census data will not be available prior to the registration exercise.

## B. Constitutional reform

11. The Constitutional Commission was inaugurated on 26 April 2003. The 35-member Commission includes seven women and represents the regional, ethnic, professional and religious diversity of the Afghan people. The Constitutional Drafting Commission presented a preliminary draft of the constitution, completed on 24 April, to the Constitutional Commission. With technical support from the United Nations Assistance Mission in Afghanistan (UNAMA) and UNDP, the Commission has established a secretariat, based in Kabul, and eight regional offices throughout

Afghanistan, as well as a site in Pakistan and another in the Islamic Republic of the Islamic Republic of Iran, to facilitate public awareness and nationwide consultations to ascertain the views and recommendations of as many Afghans as possible. Public consultations began in all 32 provinces on 6 June, and were preceded by nearly a month of public awareness activities. Midway through the consultation process, UNAMA observed several preliminary trends, including strong support for a constitution adhering to Islamic principles, overwhelming support for a government with sufficient power and resources to enforce the rule of law and uphold human rights, and consensus on the principle that free, mandatory education should be provided up to at least the sixth grade for both boys and girls. Regional differences have been noted, particularly with respect to the structure of the State. In the north, federalism is favoured by some, specifically the Uzbeks, while elsewhere in the country there is support for a strong central government. In the south-east and south, there is a strong support for the reinstatement of a constitutional monarchy. The Commission is expected to provide a final, authoritative analysis of the consultations upon their conclusion on 31 July 2003.

12. Security conditions across Afghanistan have been a constant consideration in the design of public consultations and in planning for the Constitutional Loya Jirga. UNAMA and the Constitutional Commission have agreed on the presence of United Nations observers, including the electoral staff of UNAMA, at the consultations to enhance the sense of security among participants and to increase the transparency and legitimacy of the process. Additionally, some 50 officers from the Ministry of the Interior have been assigned to accompany the Commission teams. The consultation process has been reviewed and improved to encourage constructive public discussion prior to the circulation of the draft constitution in September 2003, as well as to minimize attempts to unfairly influence the outcome of discussions. There have been some examples of people feeling constrained to speak along lines set down by local authorities, but, thus far, no incidents of overt intimidation or politically motivated violence have been reported in connection with the consultations. Owing to security concerns, the consultation meetings have been held only in the 32 provincial capitals.

13. It is expected that President Karzai will soon issue a decree convening the Constitutional Loya Jirga, which is to begin in October under the supervision of the secretariat of the Constitutional Commission. The decree sets out the rules of procedure, including criteria for the composition, election, and selection of delegates, as well as provision of security to delegates.

**Election process**

14. Conducting the national elections mandated by the Bonn Agreement will be the largest political undertaking ever in Afghanistan — preparations are being made to reach up to 10 million voters. The date of June 2004 established by the Bonn Agreement allows very little time and the process is complicated by the specific cultural, geographic, political and security environment in which the election must be conducted, at present, too many areas are inaccessible for lack of security. During the winter months, much of the country will be inaccessible. Nomads and returning refugees must also be included in the registration. In addition, a decision must be made about the large numbers of refugees still in Pakistan and the Islamic Republic of Iran. By late summer, it is expected that extensive public education will begin, informing Afghans of the importance of the elections, the criteria for eligibility to

vote, and their rights in the registration process. In order to ensure that women have access to political participation, particularly in rural areas, plans are being considered for culturally appropriate modalities for their registration, including the use of women registrars and separate registration facilities.

15. On 16 May 2003, a supplementary budget of $12,328,000 was approved for the period ending 31 December 2003 for the establishment of an Electoral Unit within UNAMA. The recruitment of consultants and core electoral staff is in progress; the first regional electoral staff, responsible for collecting information for the refinement of the voter registration plan, have been deployed. By mid-August 2003, the Electoral Unit is likely to comprise 39 international, 112 national and 32 United Nations Volunteer staff fully deployed in eight regions and ready to start registration. A draft electoral project outlining costs to be supported by voluntary contributions was finalized on 10 June 2003 for presentation to donors. The budget for the planned registration exercise from August 2003 to April 2004 is estimated at $122 million, taking into account the evolving security environment and the time frame in which the election will occur.

16. Logistical planning and budgeting for the election was carried out under the assumption that the United Nations would be responsible for electoral registration. Following discussions with UNAMA, the Transitional Administration has however, indicated that, by August, it will establish an Interim Afghan Electoral Commission. The Interim Commission will sit on a joint electoral management body with United Nations electoral counterparts, and assume greater responsibility for organizing and conducting the election process through a large Afghan national registration staff. This method will lessen reliance on the United Nations, increase the sustainability of the electoral institution, and reduce the overall budget for the process.

17. In the next few weeks, President Karzai is expected to issue the new political party law, another important condition for the election. The law reaffirms the right of all Afghan citizens to unarmed assembly and to form political parties meeting minimum membership requirements and respecting the principles of non-violence and independence from military factions. The law delegates oversight of the party registration process to the Ministry of Justice.

18. Ultimately, meeting the timetable for the election and providing adequate security for a free and fair outcome means that responsibility for the electoral process must be shared among the Government, the United Nations and the international community. There is a small minority within Afghanistan who are opposed to peace and to the present Government and who may seek to undermine the electoral process. Therefore, security will be vitally important, both for the safety of electoral personnel and for unhindered public participation. Blocked access to even a few key districts, as is currently the case, would compromise the outcome of the process as a whole.

**Justice sector reform**

19. The re-establishment of the rule of law in Afghanistan is essential to the peace process. Without reform of the institutions of justice, the legal framework that underpins the peaceful resolution of disputes will not take root; impunity for armed lawbreakers will persist, citizens will be deprived of justice, and the confidence of international investors will remain low. The reform of the justice sector has not been without difficulties. In a country where the rule of the gun has been the dominant

feature for well over two decades, the justice sector has suffered probably more damage than any other part of the State structure, and its rehabilitation will be unavoidably slow. To provide better overall guidance, the responsibilities of the Judicial Reform Commission need to be refined and more prominent decision-making roles afforded to permanent justice institutions. The Constitutional Loya Jirga to be held in October 2003 should establish suitable arrangements for the structure of the judiciary and the office of the attorney-general.

20. Nonetheless, the Judicial Reform Commission has made some progress in the areas of infrastructure rehabilitation and training. A survey of justice sector needs in 10 provinces (Baghlan, Bamian, Gardez, Herat, Jalalabad, Kabul, Kandahar, Kunduz, Mazar-i-Sharif and Takhar), which will provide the basis for planning and rehabilitation priorities, was completed on 1 June 2003. Three training programmes for judges, prosecutors, lawyers and legal scholars are currently under way. Participants are receiving instruction in comparative law, civil and penal codes, civil and criminal procedure, national traditions, international standards, and human rights. Revision of the law has been initiated in the fields of criminal law and criminal procedure and the administration of judicial organizations. In Kabul, reconstruction of the State judicial infrastructure has commenced with support from Italy, the lead country for judicial reform, and the United States of America. In the context of Afghanistan's fragile transition to peace, reform of the justice sector is inseparable from security, and thus from commensurate reform of the military, police, corrections, and disarmament, demobilization and reintegration.

# III. Security

## A. Overall security situation

21. The overall security situation throughout Afghanistan remains fragile and, in many areas, exhibits signs of deterioration. During the reporting period, localized tensions between rival factions in the north have taken a dramatic turn for the worse. During June and July, the Junbish forces of General Abdul Rashid Dostum and the Jamiat forces of Ustad Atta Mohammed repeatedly clashed in Balkh, Samangan and Sari Pul Provinces, resulting in direct intervention by the two factional leaders. Of greatest direct impact on United Nations agencies was the outbreak of fighting on 16 May in Mazar-i-Sharif city between the Wahdat-Mohaqiq and Jamiat factions. The conflict resulted in the death of the person who acted as the local government's focal point for United Nations security and one of his police commanders, and led to the suspension of United Nations activities in the city for four days. Implementation of ceasefire agreements brokered by the Multi-Party Security Commission of the North and UNAMA in Mazar-i-Sharif and in Maymana, Faryab Province, have greatly benefited from the deployment of Kabul-based police officers. Nonetheless, solutions to the factional tensions throughout the north are not apparent, though it is somewhat encouraging that, during the conflict in Sari Pul Province late in June, the leaders of Jamiat and Junbish personally intervened.

22. It is symptomatic of the difficulties faced by the central Government in its relations with governors and local leaders that the Governor of Herat has repeatedly indicated his opposition to any meaningful attempt by the central Government to extend its authority and has been intolerant of any form of political opposition. On

23 June 2003, two coalition soldiers from the United States were killed and four wounded in the first clash with Afghan military forces loyal to Ismael Khan. The attacks occurred against a backdrop of tensions between forces loyal to Ismael Khan and Amanullah Khan. The attempted assassination early in June of Aziz Ludin, nominally chosen by the central Government as Governor of Herat, was of particular concern. It is of the utmost importance that the central Government hold those responsible for the incident accountable; the failure to do so threatens all future efforts to extend and consolidate its authority.

23. Along the southern and eastern borders of Afghanistan, terrorists said to be aligned with the Taliban, al-Qa'idah and Sulbuddin Hekmatyar have stepped up their activities. Coalition and Afghan National Army forces operating in the region have repeatedly engaged with armed groups opposed to the Government over the past several months. United States and Afghan military forces in Khost and Paktya Provinces have come under rocket attack on several occasions. The International Security Assistance Force (ISAF) suffered the deadliest attack in its 18 months of operations on 7 June 2003 when a suicide car bomber drove into a German ISAF bus, killing four soldiers and one bystander, and injuring 29 others.

24. Attacks against the assistance community have intensified significantly over the past three months, jeopardizing the safety of both international and national staff. In March, an international staff member of the International Committee of the Red Cross was assassinated in Uruzgan Province, the first killing of a foreign aid worker in Afghanistan since 1998. The same month, armed individuals killed an Italian visitor, in Zabul Province. Several vehicles belonging to the United Nations and non-governmental organizations and their offices across the country have been targeted by sniper fire and grenade attacks. During the reporting period, a deadly series of attacks against national deminers required the United Nations Mine Action Centre in Afghanistan to suspend all demining activities in 10 provinces: Gardez, the southern part of Ghazni, Helmand, Kandahar (outside Kandahar city and immediate surroundings), Khost, Nimroz, Paktika, Paktya, Uruzgan and Zabul. At present, 60 districts out of 165 in the south and south-east are considered high- to medium-risk areas. The majority of these are border areas. In response to the security situation, the United Nations has had to place severe restrictions on travel by road throughout much of the region. In Kandahar city and its immediate vicinity, the United Nations has been able to continue operations without any major restrictions. In large areas of the south, however, United Nations personnel must operate with armed escorts provided by the Afghan authorities. The United Nations is doing its utmost to continue operations in these regions; but security precautions restrict the ability of the international community to deliver programmes and to support the peace process. Indeed, the pattern of attacks seems to indicate an intent to force the international community into retreat and thus to destabilize the Government.

## B. Security sector reform and the impact of insecurity

25. As my Special Representative reported in his briefing to the Security Council in May, lack of security remains the greatest challenge to the Bonn process. Elections, successful reconstruction and development, and the establishment of the rule of law will all depend on ensuring security in Afghanistan. Currently, the dangerous environment casts a long shadow over the peace process; in the longer

term, national institutions must meet the country's security needs. In the interim, there remains a pressing need for international security assistance beyond Kabul.

**Disarmament, demobilization and reintegration of ex-combatants**

26. Building security institutions in Afghanistan is contingent upon an effective disarmament, demobilization and reintegration programme to clear the way for a new, national army and police. The programme, known as the Afghan New Beginnings Programme, requires that combatants from different political factions give up their weapons to the central Government under the authority of the Ministry of Defence. A presidential decree governing the process is pending. In the current climate, however, armed groups are not likely to entrust their safety to a government institution that they view as representing factional rather than national interests.

27. For this reason, the initiation of the disarmament programme has been delayed from 1 July 2003 pending the implementation of a series of reforms at the Ministry of Defence. The confidence-building measures include the restructuring of the most senior echelon of the Ministry and the appointment to important high-level positions of people from differing political, regional and ethnic backgrounds; the selection of professional senior officers for the Central Corps, the establishment and implementation of a national military recruiting system that is open to all eligible citizens of Afghanistan, and the development of a plan for the merit-based selection of officers. These measures, intended to give the Ministry of Defence a more national character, will further the implementation of the reforms promulgated in the presidential decree signed on 1 December 2002. Successful implementation of these measures is urgently needed if the disarmament programme that the Afghan Transitional Administration, the Government of Japan and UNAMA are busily preparing is to accomplish its goals.

28. The first phase of the disarmament, demobilization and reintegration programme consists of a pilot project to disarm 1,000 ex-combatants in each of six designated locations, namely, Bamian, Gardez, Kabul, Kandahar, Kunduz and Mazar-i-Sharif. Lessons learned from the pilot phase will be incorporated into the main phase of the Afghan New Beginnings Programme, disarming the remaining 94,000 ex-combatants, which is to begin as soon as possible thereafter. The regional offices of the Programme will support the disarmament process. Preparations are already under way in Bamian, Gardez, Kandahar and Kunduz.

**Afghan National Army**

29. Under the lead of the United States, nine Afghan National Army battalions have been established, totalling 6,500 personnel out of a projected strength of 70,000. The Central Corps has fielded six infantry battalions of the two infantry brigades and one infantry battalion of the Quick Reaction Brigade, which will later be air-mobile. The mechanized battalion of the Quick Reaction Brigade completed its basic training early in June 2003. Although the brigades are not operational yet, training is on track for the first infantry brigade to be ready by October 2003, in time to provide security during the Constitutional Loya Jirga. Initial deployments of units of the Afghan National Army have met with a positive response from Afghans who have observed the new soldiers' disciplined and professional demeanour.

**Police and corrections reform**

30. On 6 April 2003, President Karzai issued a presidential decree mandating a new structure for the Ministry of the Interior and the establishment of a national police service consisting of 50,000 police officers and 12,000 border guards. The new structure separates the provincial administration of the Ministry from the police, establishes a clear chain of command for all police forces down to the district level, and consolidates responsibility for all policing functions under the Ministry of the Interior. The Ministry has devised an ambitious five-year framework for creating the national police service. Later this month, the first non-commissioned officers will graduate from the one-year training course run by the German Police Support Project. To complement the German project, on 18 May the United States launched a "training-of-trainers" programme in Kabul for 100 Afghan police trainers, who will be deployed to the provinces to conduct two-month training courses. A two-week transitional training course for 200 Kabul police officers began on 28 June. Since last year, UNDP has been contributing towards police salaries through the Law and Order Trust Fund, which is funded through both the Afghanistan Reconstruction Trust Fund and donor sources. The Law and Order Trust Fund is seriously underfinanced and donor contributions are urgently needed. Of the $120 million requested, donors have pledged only $40 million. The amount actually paid into the Fund is significantly lower. Without these funds, essential equipment cannot be provided and salaries cannot be paid. These conditions impair the ability of the police to carry out their responsibilities and increase incentives for corruption.

31. On 30 April 2003, the autonomous Human Rights Department of the Ministry of the Interior was inaugurated. The structure of the Department will be replicated within every provincial police department and, once implemented, is expected to serve a "watchdog" function within the national police structure, following up on reports of abuse by police. The Afghan Independent Human Rights Commission is supporting the new department by temporarily lending staff and organizing human rights workshops for police.

32. On 31 March, President Karzai issued a decree transferring responsibility for corrections services from the Ministry of the Interior to the Ministry of Justice, setting a deadline of three months. Although the transfer is under way, several issues relating to the transfer of assets and funds have yet to be finalized. It is expected that corrections reform should accelerate following the signing on 17 May of an agreement between the Ministry of Justice and the United Nations Office on Drugs and Crime for a two-year programme on reform of the penitentiary system in Afghanistan.

**Counter-narcotics activities**

33. At its 4774th meeting, on 17 June 2003, the Security Council considered the threat of illegal narcotics originating from Afghanistan and made a number of proposals. The proposals related to the importance of improving security and security sector reform, providing continued financial and technical assistance, promoting mutual respect between Afghanistan and its neighbours, a comprehensive international approach to illegal drugs, particularly cooperation among affected countries, and coordinating all counter-narcotics activities in Afghanistan through the lead country. The specific activities of the United Nations and Member States in support of security and reconstruction, including disarmament, security sector

reform, and the provincial reconstruction teams, as well as the encouragement of good international relations, are covered elsewhere in the report.

34. During the reporting period, the Government took several steps in the fight against illegal narcotics. In May 2003, President Karzai approved the national drug control strategy formulated by the Counter-Narcotics Directorate, the Government's lead agency on this issue, with assistance from the United Kingdom of Great Britain and Northern Ireland, the lead country in counter-narcotics activities, and the United Nations Office on Drugs and Crime. The Counter-Narcotics Directorate is liaising closely with provincial administrations on the implementation of the Government's opium poppy eradication campaign. Crop eradication efforts reduced poppy cultivation in Helmand, Kandahar, Nangarhar and Uruzgan provinces, which have been among the major poppy-cultivating provinces. The Ministerial Conference on Drug Routes from Central Asia to Europe, held in May 2003, provided new momentum to promoting coordination among countries affected by drugs originating from Afghanistan. In the final conclusions of the Presidency, all countries were encouraged to adopt national strategies for supply and demand reduction and to set up a single lead agency to coordinate national policy.

**Provincial reconstruction teams**

35. The United Nations Assistance Mission in Afghanistan has worked closely with the provincial reconstruction teams established outside of Kabul by the United States-led coalition. The teams may make a positive contribution to improving security by providing good offices, confidence-building, assisting in the extension of government authority, and providing a platform for the training and deployment of new national security institutions. The early deployment of elements of the Afghan National Army to Bamian and Gardez has highlighted the positive role the provincial reconstruction teams can play in familiarizing security forces with the concept of civic action, and the way such an engagement can contribute to the establishment of greater security. Work is also under way to identify "good governance" packages, including the simultaneous appointment of new civilian administrators where needed, military reform, police training, and support to the judiciary. However, as currently configured, the teams do not meet the full security needs of Afghanistan.

36. A number of countries have either committed themselves to or expressed interest in deploying additional teams. In July, the United Kingdom set up a team in Mazar-i-Sharif. The stated emphasis of the team on security sector reform should contribute to the stabilization of the north. New Zealand has announced its intention to take over the Bamian team from the United States. Germany also recently conducted a reconnaissance to review the feasibility of deploying a team in Herat. As a result of the different potential deployments, the United States may establish teams in Jalalabad and Kandahar.

## C. NATO leadership of the International Security Assistance Force

37. The North Atlantic Treaty Organization (NATO) stated on 16 April 2003 that it would assume control of ISAF following the completion of the current command by Germany and the Netherlands in August 2003. The NATO decision came in response to the request of several States participating in ISAF. NATO command of ISAF

should provide more stability to the Force, in particular eliminating the need to find a new lead country every six months. NATO has held a number of constructive meetings with the United Nations in preparation for assuming the lead on 11 August 2003. ISAF will continue to operate in accordance with the mandate provided by Security Council resolutions 1386 (2001), 1413 (2002) and 1444 (2002). In view of the security challenges facing the Bonn process, I believe that extending international security assistance beyond Kabul remains both necessary and the best way to fill the security gap in the regions. Such an extension would not need to be on a scale required for countrywide peace enforcement, but rather a strategic deployment in key cities at a level sufficient to help smooth the way for the political processes of Bonn, the extension of government authority, and more rapid establishment of national security structures.

## D. International relations

38. In response to suspected cross-border infiltration of forces opposed to the Transitional Administration, and in an effort to address generally heightened tensions between Afghanistan and Pakistan, President Karzai met with President Pervez Musharraf on 22 and 23 April 2003. On 17 June, Afghanistan, Pakistan and the United States established a commission to determine the origin of cross-border attacks and to find mutually agreeable solutions. Patrols have increased on both sides of the border. Afghanistan and Pakistan should be encouraged to focus on devising common solutions to their mutual problems. Early in July, statements by the two countries further raised tensions and public concern. A demonstration at the Pakistan Embassy in Kabul on 8 July led to serious damage to the embassy. There can be no solution to such difficulties other than increasing efforts by both sides to strengthen their friendship and mutual ties. Strengthening Afghanistan's relations with Pakistan, and indeed with all of its neighbours, will have a positive impact not only on regional security but also on regional economic integration. In this regard, the efforts by the signatory States of the Kabul Declaration on Good Neighbourly Relations (see S/2002/1416, annex) should be recognized and further diplomatic and economic initiatives encouraged.

## E. Human rights issues

### Overall human rights situation

39. The human rights situation in Afghanistan remains a matter of serious concern. Throughout the country, the absence of the rule of law facilitates the abuse of power, most often by local commanders and factional forces, and creates an environment where illegal taxation and extortion, forced displacement, kidnapping, rape, arbitrary detention and other violations are routine. The situation of women remains unsatisfactory. Without adequately resourced and professionally trained judicial and law enforcement institutions, victims have no legal recourse and perpetrators act with impunity. Protecting and promoting the rights of all Afghans is conditional upon developing the capacity of national human rights institutions and, above all, upon improving security throughout the country.

40. Open debate among citizens is essential to the emergence of a pluralistic government and will be of particular importance during the constitutional consultation and the elections. One positive sign was the appointment by the President, on World Press Freedom Day, of a commission to protect journalists. Nonetheless, intimidation of journalists in Afghanistan, and threats against them have continued during the reporting period, most notably in Herat, where the local government appears intent on silencing any form of opposition, but also in Kabul and Mazar-i-Sharif. On 17 June 2003, the Supreme Court ordered the weekly Afghan newspaper *Aftab* to be closed and the editor and deputy editor arrested for defamation of Islam. Reform of the Afghan Press Law will be necessary, particularly in order to allow political debate during the run-up to the elections next year. State control over radio and television will also need to be reformed to ensure that independent political parties have access to broadcasting.

**Afghan Independent Human Rights Commission**

41. On 18 May 2003, the Afghan Independent Human Rights Commission completed its planned expansion in the interior of the country. Seven satellite offices are now fully operational. These offices will enable it to monitor more closely the human rights situation throughout the country as public consultation on the constitution and initial preparations for next year's elections are carried out. The staff of the Commission have established good working relations with the staff of UNAMA area offices. Joint monitoring and investigation of human rights violations, as well as the organization of educational and other promotional activities, are being conducted in all areas.

42. The Human Rights Advisory Group, established in the context of the consultative process for the national development budget and chaired by the Afghan Independent Human Rights Commission, has conducted monthly meetings, providing a forum for representatives of the Transitional Administration, the donor community, the United Nations and non-governmental organizations to discuss and coordinate broader human rights issues. The Advisory Group members established benchmarks for the mainstreaming of human rights across government ministries, made recommendations on the creation of an internal accountability mechanism in the police, addressed protection issues related to internally displaced persons and refugees, and is currently providing a venue for participants to discuss the concern that the constitutional consultations should be held in an environment free from intimidation.

## F. Gender issues

43. Afghan women are keenly aware that their participation in the upcoming political processes of the Constitutional Loya Jirga and national election is critical. The Ministry of Women's Affairs, the State Ministry, women's non-governmental organizations, and activists have convened a number of meetings to ensure women's input and participation. The Ministry of Women's Affairs and the United Nations Development Fund for Women (UNIFEM) have held workshops and meetings on women and legal reform. UNAMA convened a series of meetings on women's roles in the constitutional and legal reform process. UNAMA and UNIFEM also collaborated with the Afghan Human Rights Law Group in a conference on women's rights, law and justice, which brought judges and activists from India, Indonesia,

Malaysia and Pakistan together with Loya Jirga delegates, Afghan women lawyers, judges, and members of the media and civil society.

44. The design of the selection/election process for the Constitutional Loya Jirga took into account the need to ensure women's participation. Women are well represented in the make-up of the Commission and the secretariat. Both have met with the Ministry of Women's Affairs and women leaders, including delegates to the Emergency Loya Jirga, to assess women's needs and concerns in the process. Women delegates to the Emergency Loya Jirga have also established a *shura* to advance women's concerns in the political and reconstruction processes. Women's organizations and networks have been actively involved in civic education on the Loya Jirga process throughout Afghanistan.

45. The commitment of Afghanistan to women's human rights and to their equal participation in the upcoming political processes was bolstered by Afghanistan's ratification on 4 April 2003 of the Convention on the Elimination of All Forms of Discrimination against Women.

# IV. Relief, recovery and reconstruction

## A. Refugees and internally displaced persons

46. According to the Office of the United Nations High Commissioner for Refugees (UNHCR), there has been a marked decrease in the number of refugee returns this year. During the reporting period, however, there was a rapid rise in numbers relative to the first quarter of the year, signalling the onset of the summer repatriation season. By the end of June, the number of returnees had exceeded 250,000. So far this year, over 173,000 Afghans have received repatriation assistance. The total number of returnees since repatriation began in 2002 surpassed 2 million early in June.

47. The Office of the United Nations High Commissioner for Refugees and the International Organization for Migration (IOM) provided 30,000 internally displaced persons with assistance in returning to their places of origin. However, the lingering effects of drought and ongoing security threats prevented the 300,000 internally displaced persons still living in camps and settlements from returning. The majority of these individuals are in Helmand and Kandahar.

48. On 16 June 2003, Afghanistan, the Islamic Republic of Iran and UNHCR signed a joint agreement on the voluntary repatriation of Afghan refugees. The agreement, a continuation of the repatriation agreement signed at Geneva in 2002, allows for the gradual return of some 1 million Afghans from the Islamic Republic of Iran over the next two years. This agreement and a similar one signed with Pakistan provide Afghanistan and the main countries of asylum with a comprehensive framework for the voluntary and gradual return of refugees during the coming two or three years.

## B. Health and nutrition

49. On 20 May 2003, Afghanistan observed a Day of National Unity for Children to highlight its achievements in children's health and education over the past 18

months. The event coincided with the launching by the Ministry of the Interior, with support from the Ministry of Health and UNICEF, of the birth registration campaign for Children Less Than One Year, and the National Immunization Days from 20 to 22 May. The immediate aim of the birth registration project was to register and collect basic information about 230,000 children under one year old out of the 1 million children that the programme will eventually reach. The information will help to ensure that children are immunized and enrolled in school at the right age, and identify their rights to basic services and protect them from illegal adoption or trafficking.

50. The National Immunization Days campaigns were highly successful. Measles coverage was 94 per cent nationally, while the tetanus campaign for women of childbearing age had coverage of 95 per cent. The tetanus campaign used more than 80 per cent female vaccinators, including illiterate women. Since the final round of immunizations against poliomyelitis in December 2002 (see A/57/762-S/2003/333, para. 54), no confirmed cases of polio have been reported in 2003.

51. Throughout Afghanistan, most rural communities remain cut off from even minimal health-care services. The Ministry of Health has maintained a focus on providing all rural communities with access to primary care by the end of 2003 through the Basic Package of Health Services programme, which is supported by the World Bank, USAID, the European Community and UNICEF. Non-governmental organizations have begun to submit to the Ministry of Health innovative proposals for the delivery of basic health services on a large scale in remote provinces. To address maternal mortality in Afghanistan, which is the highest in the world, the Ministry of Health, with the support of UNICEF, the World Health Organization (WHO) and UNFPA, is establishing a centre for the delivery of emergency obstetric care in each province.

## C. Road reconstruction

52. The reconstruction of Afghanistan's primary transportation infrastructure should help to connect the provinces to the centre, facilitate domestic and international trade, promote improved relations between the country and its neighbours, and allow better community access to social services. To hasten the realization of these economic, political and social benefits, the schedule for reconstruction of the Kandahar to Kabul road, a key component of the country's network of roads, has been accelerated. It is now expected that, subject to security conditions, phase I of the project (grading, filling of potholes and surface sealing) will be completed by the end of 2003. In July 2003, the United States and Japan began repairing six sectors of road totalling a distance of 439 kilometres. The United States has increased its contribution to the project from $80 million to $180 million over the project's duration. Japan has contributed $25 million and 64 pieces of heavy machinery worth $6.3 million. Reconstruction of the Salang Pass, the main road between the north and south of the country, began in May under the supervision of the Ministry of Public Works.

# V. Mission support

## A. Administrative and operational support

53. To assist in the co-location of staff and bringing together of United Nations constituent agencies, UNAMA leased and established the United Nations Operations Centre in Afghanistan on an 18-hectare compound in the industrial zone of Kabul (see A/57/762-S/2003/333, para. 57). UNAMA has since refurbished and constructed buildings for administration, security and training staff, as well as a medical clinic, warehouse and cafeteria. The relocation of the UNAMA administration to the centre is completed by the deadline set by the Mission, 31 March 2003. UNAMA is also constructing a building for the Afghan New Beginnings Programme, completion of which is planned for July 2003. Work is also continuing to accommodate the needs of the UNAMA electoral operations at a warehouse complex nearby.

54. UNAMA continues to convert international posts to national ones to minimize the size of the international staff presence and build the capacity of national staff. To further support the process of developing national staff, training courses in English, report writing, and office communications and administrative skills are being offered. Computer training for the national staff in the Mission is planned from July 2003 onwards.

55. A new Trust Fund for the promotion of social and economic development in Afghanistan is being established. The fund will accept donations for projects not covered by current funding options.

## B. Overall structure of the United Nations Assistance Mission in Afghanistan

56. UNAMA is conducting a review of its management structure, part of its efforts to enhance the integration of policy coordination between the various components of the Mission and among the members of the United Nations country team. During the first phase of adjustment, the separate functions of the political and recovery, rehabilitation and reconstruction pillars in UNAMA field offices were joined under a single head of office, resulting in more effective policy formation and coordination at the field level. The consolidation of formerly separate field coordination units in the respective mission pillars into a single Field Coordination Support Unit under the Office of the Special Representative has improved the efficiency of the Mission and communication between Kabul and the field, allowing a more timely response to critical issues and ensuring that UNAMA operates in a unified manner.

57. The planned departure of the Deputy Special Representative, Nigel Fisher, has spurred a second phase of structural review aimed at further integrating the Mission's relief, recovery and reconstruction, political, and other functions and increasing its coordination with United Nations agencies.

58. In its resolution 1471 (2003), the Security Council approved the enlargement of the UNAMA Military Advisory Unit from five to eight officers. At the time of the revision, there were no plans for the direct involvement of the Unit in the disarmament, demobilization and reintegration process. The situation has since

changed and there is now a demand for more explicit involvement by UNAMA military liaison officers in disarmament, demobilization and reintegration, security sector reform, and local conflict resolution. I propose therefore that the Military Advisory Unit be enlarged by a further four military liaison officers, bringing the total strength of the unit to 12 officers, consisting of 1 military adviser and 11 military liaison officers. This would make possible the permanent deployment of one officer to each of the eight regional field offices, and the involvement of the Unit in monitoring disarmament, demobilization and reintegration at locations across the country in order to build confidence. The enlarged complement of advisers would be needed as disarmament, demobilization and reintegration reaches a peak level of activity.

## VI. Observations

59. In spite of considerable obstacles, the implementation of the Bonn Agreement continues to be largely on track. The constitutional consultations are under way in advance of the Constitutional Loya Jirga scheduled for October 2003 and preparations have commenced for initiating voter registration for the national election by October 2003. The expansion of government authority beyond Kabul is making some gradual progress, though it remains insufficient. The Government has fully understood the necessity for progress in the reform of key government institutions, including law enforcement and the judiciary, both of which are essential to re-establishing the rule of law. The reform of the civil administration and the identification of interim measures to pay government salaries will help the development of the Government's capacities, improving its efficiency and management.

60. The Transitional Administration is aware that in order to further extend its authority it needs to send a strong signal to the effect that insubordination and corruption within its ranks will not be tolerated and that its officials will be held accountable for their actions. Already there are signs that the commitments of those governors and commanders summoned to Kabul by the President will not necessarily translate into tangible action. Persistent defiance by some key governors and local leaders is troubling. I therefore urge Member States to support the Transitional Administration in its efforts to consolidate its authority and I encourage them to deal directly with the central Government.

61. As Afghanistan endeavours to revitalize its economy and achieve financial self-sufficiency, the tasks of reconstruction and political reform that lie ahead for the Transitional Administration will require the continuing engagement of the international community for the foreseeable future. The donor community has pledged its support to the Government. Member States now have a responsibility to fulfil their financial and other commitments.

62. Without security, the accomplishments of the Government of Afghanistan and the significant investments of the international community are at risk. In the coming months, the country is entering a critical phase on its path towards national reconciliation and political normalization. The legitimacy of the Constitutional Loya Jirga and the national election will depend on their being held in an environment free from political pressures and intimidation. The conducting of a national election

is particularly sensitive to insecurity and susceptible to interference by those who seek either to manipulate the outcome or to derail the process altogether.

63. The Bonn Agreement provides for the holding of free and fair general elections in Afghanistan in the summer of 2004. Meeting that objective requires the development of an effective electoral process that will allow eligible Afghans to fully participate in the election. Among the many technical, logistical and legal elements required in such a process are the adoption of an electoral law and the creation of a network of polling stations that will allow the population genuine access to the election itself. Early donor funding will be needed for the timely preparation and deployment of electoral staff and equipment. While organizing the electoral framework and making technical preparations are necessary, they are not sufficient, however. Without the appropriate security environment, communities in some areas of the country are bound to be disenfranchised. Without the appropriate political environment, the process will not be free and could easily be diverted to serve the interests of a narrow range of factional interests as opposed to the interests of the country as a whole. The United Nations, donor countries and the Government will have a role to play in providing for the financial, legal, political and security context necessary to ensure that the elections are credible and serve as an incontestable step forward in the establishment of peace in Afghanistan.

64. In Afghanistan, where the consequences of the civil war are still apparent and where strong factional interests have attempted to entrench themselves in the wake of the collapse of the Taliban, the creation of an environment where the standards of freedom and fairness enunciated in Bonn prevail is a major challenge; this challenge must be met before the next steps of the Bonn process can be taken, notably the election of 2004. At present, such an environment does not really exist. Therefore, clear and time-specific benchmarks that would enable the Government, other Afghan institutions and the international community to meet the preconditions for staging a credible election are being established, which are understood and accepted by all. The benchmarks, comprising an overall plan for holding the 2004 elections, would include, among other targets, reform of national security institutions; initiation of the disarmament, demobilization and reintegration programme and, by the summer of 2004, its completion in major population centres; the establishment and development of the necessary legal and institutional frameworks for the electoral process, including adoption of the new Afghan Constitution, reform of the media (radio and television, and the law governing the press), and the training and deployment of sufficient numbers of professional security forces to guarantee the safety of electoral personnel and ensure the open political participation of Afghans. My Special Representative is working with national and international partners on the ground to refine these benchmarks and coordinate efforts to meet them.

65. Among the priorities, the disarmament, demobilization and reintegration of armed groups is consistently identified by Afghans as the single greatest precondition for the establishment of durable peace. Successful disarmament in turn is dependent upon the reform of the Ministry of Defence, the authority responsible for the implementation of the programme. The Ministry of Defence's credibility as an institution dedicated to protecting the security interest of the population as a whole, irrespective of regional and ethnic background and political affiliation, is a prerequisite to securing broad acceptance of, and cooperation with, the disarmament, demobilization and reintegration programme. Indeed, the continuing perception by many Afghans that important national institutions are not representative of the broad

spectrum of all the people of Afghanistan is a serious impediment not only to the successful running of the planned disarmament, demobilization, and reintegration process, but also to the broader goals of the Bonn process. The Ministry of Defence is a natural starting point but, in due course, all government institutions must be reformed to reflect the national character. Therefore, I urge the Government of Afghanistan to take all necessary measures without further delay to continue reform and I encourage Member States to support the efforts of the Government in this regard.

66. For the vast majority of armed forces throughout the country, the opportunity to trade their guns for skills training and reintegration into society is welcome. There are however some individuals for whom military power has brought wealth; transforming Afghanistan's war economy to one which promotes peace will require the identification of incentives — and sanctions — for those who profit from violence and instability. In this regard, the cultivation, production and trafficking in illegal narcotics is particularly worrisome, as it threatens not only peace in Afghanistan but also has regional and global consequences. The dependence of Afghan farmers on poppy cultivation complicates the search for a solution. As the law-enforcement capacity of the Government gradually develops, it will be better able to control criminal activities; but this will take time. Meanwhile, alternative livelihoods will be needed in parallel as, in the absence of viable economic alternatives and credible law enforcement, there are few incentives to stop cultivation.

67. The presence of ISAF in Kabul has greatly contributed to security in the capital, reducing crime and instilling a measure of confidence in its citizens. Would the involvement of NATO offer an opportunity to discuss again the issue of ISAF expansion outside of Kabul? Failing such an expansion, it remains necessary to examine how similar effects can be achieved beyond Kabul with the resources available. The interest of Member States in the provincial reconstruction teams is to be applauded, though it must be emphasized that, in the current environment, the teams are not the response to insecurity, they are only part of a longer-term solution. Ultimately, security must be provided by Afghan security institutions, but training sufficient numbers of professional security forces, including national police and Afghan National Army, will require several years. In the interim, addressing the threat of continuing instability will require international involvement. The consequences of failing to provide for sufficient security for the Bonn process to succeed may have implications far beyond Afghanistan.

68. In conclusion, I take this opportunity to thank my Special Representative, Lakhdar Brahimi, and the staff of UNAMA, for their continuing dedicated efforts on behalf of Afghanistan.

United Nations S/2003/755

Security Council

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## Letter dated 27 June 2003 from the President of the Governing Council of the United Nations Compensation Commission addressed to the President of the Security Council

The Governing Council of the United Nations Compensation Commission has concluded its forty-eighth session, which was held at Geneva from 24 to 26 June 2003.

During the opening plenary meeting of the forty-eighth session representatives of Kuwait and Pakistan addressed the Council. Their respective statements are being sent by mail with the original of this letter.

During the session the Council considered nine reports and recommendations made by the Panels of Commissioners in the D, E2, E3, E4 and F3 categories of claims. The reports on category D claims concern the review of individual claims for damages above US$ 100,000; the report on category E claims concerns the review of claims filed on behalf of non-Kuwaiti corporations and other business entities; the report on category E3 claims concerns the review of non-Kuwaiti construction and engineering claims; the reports on category E4 claims concern the review of Kuwaiti corporate claims; and the report on category F3 claims concerns the review of Kuwaiti Government claims. The attached tables provide details of the amounts of compensation claimed in the reports and the amounts awarded by the Governing Council. The total amount awarded in all of the reports approved at this session is approximately $2.3 billion.

The Governing Council considered the report of the Executive Secretary: summary of activities, covering the period from 1 February to 30 April 2003. The report covers the processing of claims, the withdrawal of claims and the payment of approved claims.

The Council considered the level of Iraq's contribution to the Fund in the light of paragraph 21 of Security Council resolution 1483 (2003), which provides that 5 per cent of all export sales of petroleum, petroleum products and natural gas from Iraq following the date of adoption of the resolution shall be deposited into the Compensation Fund. The Council took note of the new level of income into the Compensation Fund as set by resolution 1483 (2003) and discussed the implications of the reduced income into the Fund, including the need to put in place a temporary payment mechanism in lieu of the current arrangement provided for by Governing Council decision 100 (S/AC.26/Dec.100 (2000)/Rev.1). The Council will keep this question on its agenda.

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The Council discussed the arrangements for ensuring that payments are made to the Compensation Fund in the light of paragraphs 20 and 21 of Security Council resolution 1483 (2003), which provide that 5 per cent of all export sales of petroleum, petroleum products and natural gas from Iraq shall be deposited into the Compensation Fund, and that unless an internationally recognized, representative government of Iraq and the Governing Council, in the exercise of its authority over methods of ensuring that payments are made into the Compensation Fund, decide otherwise, this requirement shall be binding on a properly constituted, internationally recognized, representative government of Iraq and any successor thereto. The Council received general background information on this issue from the secretariat, and information was provided by the delegation of the United States on the measures taken by the Coalition Provisional Authority to ensure payment of the 5 per cent into the Fund. The Council requested the secretariat to prepare an information note on this matter for the Working Group's further consideration at a future informal meeting and for further consideration at the next session of the Governing Council.

The Council considered the establishment of a temporary payment mechanism and adopted decision 197 (S/AC.26/Dec.197 (2003)) for the purpose of establishing that mechanism. Under the mechanism $200 million from the Compensation Fund will be made available for the payment of claims every quarter. Successful claimants in all categories will receive an initial amount of $100,000 or the unpaid principal amount of the award, if less, subsequent rounds of payments of $100,000 to successful claimants in all categories being disbursed in the order in which they have been approved, until the available funds for distribution have been exhausted. While noting that decision 17 (S/AC.26/Dec.17 (1994)) provides that the Commission should ensure that similarly situated claimants within each category of claims are treated equally, to the extent feasible, regardless of the chronological order in which their claims are decided, the Council concluded that (a) owing to the special circumstances faced by environmental damage claims, consideration would be given at the appropriate time to the possibility of a different payment mechanism for successful environment claimants; and (b) recognizing that the reduced funding of the Compensation Fund that may occur during the next year would further delay the full payment of awards that were approved prior to the forty-eighth session of the Governing Council and that have unpaid balances, the Council also concluded that, once the level of income into the Compensation Fund permitted, consideration would be given to means by which payments on such awards might be resumed.

The Council discussed several issues relating to the processing of claims, including the twenty-second report of the Executive Secretary pursuant to article 41 of the Provisional Rules for Claims Procedure, and approved corrections to certain category A claims.

The Council considered the establishment of a final deadline for the receipt of requests made pursuant to article 41 of the Provisional Rules of Claims Procedure for correction of decisions concerning claims in categories D, E and F, in the light of an information note prepared by the secretariat on this issue. The Council adopted decision 196 (S/AC.26/Dec.196 (2003)), which provides that the final deadline for the submission of requests for corrections for claims approved by the Governing Council in or prior to June 2003 will be 31 December 2003. For those claims remaining to be approved, the final deadline will be 180 days after each applicable Governing Council decision.

The Council continued its consideration of the request made by the Government of Iraq on 27 January 2003 for additional funding for the provision of technical assistance to Iraq in the review of F4 environmental claims pursuant to Governing Council decision 124 (S/AC.26/Dec.124 (2001)). In the light of Security Council resolution 1483 (2003), the recent developments in Iraq and the lifting of sanctions against Iraq, the Council decided to remove this issue from its agenda.

The Council further considered the request made by the delegation of Kuwait at the opening plenary meeting of the forty-seventh session concerning the late filing of a number of individual claims from the stateless persons living in Kuwait (the Bedoun). Pursuant to the request made by the Governing Council at the forty-seventh session, the secretariat prepared an information note containing a list of proposed questions designed to solicit further information from the Government of Kuwait on this question. The Council requested the Executive Secretary to send the list of questions to the Government of Kuwait and decided that the issue should remain on the agenda for the forty-ninth session of the Council, to be held in September 2003, and that it should also be referred to an informal meeting of the Working Group prior to the session, pending the receipt of further information from the Government of Kuwait.

The Council also further considered the request made by the Government of Kuwait at the opening plenary meeting of the forty-seventh session, that 381 Kuwaiti category C claims (individual claims for damages up to $100,000) that were not sent to the Compensation Commission, as the claimants had also claimed in category A for the higher amount, be accepted for filing. The Council received an information note prepared by the secretariat on this issue. After extensive discussion the Council decided, on the basis of the previously established criteria, and the fact that decision 21 of the Council was adopted in 1994, that the request made by the Government of Kuwait for the late filing of the category C claims would not be accepted. The Council requested the secretariat to notify the Government of Kuwait of the Council's decision.

The Council considered the issue of competing claims in category D, whereby compensation has already been awarded to a claimant in category C, and for which the D Panels of Commissioners have recommended an award of compensation for the same loss to the category D claimant, having found that the D claimant was the rightful owner of the business in question. The Council also considered the issue of competing claims in category C, D and E4. The secretariat prepared two information notes on this matter. The Council was not in a position to reach a consensus on this issue and referred it to a future informal meeting for the Working Group's further consideration, with the aim of resolving the issue and particularly the withholding of payment to the 41 claimants who have had awards approved, at the Council session to be held in September 2003.

At the forty-sixth session held in December 2002, the Governing Council decided that an archiving policy taking into account the needs of the Compensation Commission was required, and recommended that such a policy be adopted. The Council also noted that the details of the policy remained under review by the Council, and requested the secretariat to provide further information on the subject for the Council's further consideration. In addition to the previous information notes distributed to the Governing Council on 10 December 2001, 28 May 2002 and 11 November 2002, the secretariat prepared an information note, dated 5 June 2003,

containing the details of the proposed archiving policy. The Council also heard a presentation by the secretariat concerning the proposed policy, and considered the issue in the light of the information presented. The Council, while noting the urgency in the need to implement an archiving policy, requested the secretariat to provide further information concerning the proposed policy for the Working Group's further consideration at an informal meeting and at the next session of the Governing Council.

The Council considered the request made by the Government of Pakistan at the opening plenary meeting of the session concerning the late filing of a number of claims. The Council requested the Executive Secretary to write to the Government of Pakistan explaining the established criteria applied by the Governing Council to assess whether late-filed claims should be accepted for filing, namely the existence of a war situation or civil disorder and evidence of a prior attempt to file the claims within the relevant filing deadlines. The Council also recommended that the Government of Pakistan be requested to identify any claims among those contained in its request for late admission to assess whether they met those criteria and to submit supporting documentation on such claims to facilitate the Council's further consideration of the acceptability of the request. The Council requested the Executive Secretary, in consultation with the Government of Pakistan, to set a suitable deadline for the Government's response to the secretariat.

The Council considered and took note of the report of the Executive Secretary on the distribution of payments and transparency, and the return of undistributed funds, and requested the secretariat to continue to inform the Council of the reports of Governments and international organizations on the distribution of payments and the return of undistributed funds.

The Council discussed several audit-related issues. The Council was informed by the secretariat that a new memorandum of understanding between the Office of Internal Oversight Services and the Compensation Commission has been completed and signed. The Council considered the reports of the Office of Internal Oversight Services concerning its audit of the twenty-second instalment of E3 claims and its review of the processing of F1 claims. The Council took note of the observations of the Office and the secretariat's responses thereto. The Council also further considered the question of requiring Governments to provide audit certificates which comply with national accounting standards, in order to enhance the transparency of the distribution of future payments, for payment reports submitted to the Commission. The secretariat prepared an information note on the matter, to which was annexed a proposed audit certificate. The Council referred this issue to a future informal meeting for the Working Group's further consideration.

Finally, the Governing Council decided to hold its forty-ninth session from 16 to 18 September 2003.

To date, the Commission has awarded compensation of approximately $46.3 billion, including the awards approved at the forty-eighth session, and approximately $17.6 billion of the amounts awarded have been made available to Governments and international organizations for distribution to successful claimants in all categories of claims. The payments to successful claims approved by the Council at the forty-eighth session will be made in the next round of payments, scheduled for the third week of July 2003, in accordance with Governing Council

decision 197. The balance of the Compensation Fund at present is close to $500 million.

(*Signed*) K. **Metscher**
Chargé d'affaires a.i.

for Walter **Lewalter**
President of the Governing Council

# Annex I

## Summary of recommendations

### A. Report and recommendations made by the D2 Panel of Commissioners concerning part two of the fourteenth instalment of individual claims for damages above $100,000 (category D claims) (S/AC.26/2003/7)

| *Country* | *Number of claims recommended for payment* | *Number of claims not recommended for payment* | *Amount of compensation claimed (US$)* | *Amount of compensation recommended (US$)* |
|---|---|---|---|---|
| Canada | 12 | 2 | 10 341 557.97 | 3 002 602.97 |
| Egypt | 2 | 4 | 3 277 938.10 | 227 250.33 |
| India | 2 | - | 6 427 957.93 | 455 674.31 |
| Jordan | 45 | 4 | 46 628 816.85 | 13 634 427.33 |
| Kuwait | 113 | - | 119 983 615.14 | 71 234 123.27 |
| Pakistan | 1 | - | 2 188 600.00 | 851 549.30 |
| Spain | 1 | - | 279 366.37 | 78 050.86 |
| Syrian Arab Republic | 35 | 1 | 17 546 256.61 | 5 149 582.16 |
| United States | 2 | 1 | 1 413 928.25 | 68 473.72 |
| **Total** | **213** | **12** | **208 088 037.22** | **94 701 734.25** |

### B. Report and recommendations made by the D1 Panel of Commissioners concerning part two of the fifteenth instalment of individual claims for damages above $100,000 (category D claims) (S/AC.26/2003/8)

| *Country or international organization* | *Number of claims recommended for payment* | *Number of claims not recommended for payment* | *Amount of compensation claimed (US$)* | *Amount of compensation recommended (US$)* |
|---|---|---|---|---|
| Australia | 1 | - | 55 000.00 | 23 949.76 |
| Canada | 3 | - | 1 171 498.47 | 129 988.17 |
| Egypt | 3 | 7 | 83 106 767.73 | 468 345.93 |
| France | 2 | 1 | 2 110 751.56 | 248 530.23 |
| Germany | 1 | - | 784 141.49 | 86 452.36 |
| India | 26 | 13 | 21 336 779.29 | 2 316 675.82 |
| Israel | 3 | - | 942 200.00 | 77 209.94 |
| Italy | 2 | - | 2 674 275.50 | 75 158.78 |
| Jordan | 44 | 2 | 50 419 635.32 | 14 384 359.46 |
| Kuwait | 62 | 2 | 499 654 605.90 | 222 297 262.08 |
| Lebanon | 1 | - | 260 660.54 | 17 434.70 |
| Netherlands | 1 | - | 1 531 764.00 | 710 793.87 |
| Pakistan | 1 | 1 | 2 005 356.40 | 185 666.86 |
| Sudan | 3 | 1 | 2 190 723.94 | 242 674.69 |

| *Country or international organization* | *Number of claims recommended for payment* | *Number of claims not recommended for payment* | *Amount of compensation claimed (US$)* | *Amount of compensation recommended (US$)* |
|---|---|---|---|---|
| Syrian Arab Republic | 1 | - | 182 961.94 | 17 101.18 |
| Turkey | - | 1 | 201 500.00 | nil |
| United Kingdom | 10 | 2 | 11 411 137.84 | 666 141.48 |
| United States | 6 | - | 5 323 121.68 | 890 970.32 |
| Yemen | 11 | - | 9 261 615.88 | 1 794 668.87 |
| UNRWA Gaza | 1 | - | 122 283.74 | 17 500.00 |
| **Total** | **182** | **30** | **694 746 781.22** | **244 650 884.50** |

## C. Report and recommendations made by the D2 Panel of Commissioners concerning part one of the sixteenth instalment of individual claims for damages above $100,000 (category D claims) (S/AC.26/2003/9)

| *Country or international organization* | *Number of claims recommended for payment* | *Number of claims not recommended for payment* | *Amount of compensation claimed (US$)* | *Amount of compensation recommended (US$)* |
|---|---|---|---|---|
| Austria | 1 | - | 55 363.32 | 36 332.18 |
| Canada | 5 | 1 | 2 251 203.76 | 1 032 660.40 |
| Egypt | 3 | 2 | 5 036 775.90 | 448 485.53 |
| India | 4 | 6 | 8 939 705.52 | 980 511.17 |
| Jordan | 44 | 5 | 31 246 160.13 | 6 988 262.42 |
| Kuwait | 185 | - | 105 936 067.91 | 66 142 701.19 |
| Lebanon | 6 | - | 3 237 216.73 | 651 062.75 |
| Pakistan | 5 | - | 3 536 929.02 | 940 431.41 |
| Saudi Arabia | 3 | 17 | 36 093 613.14 | 137 431.56 |
| Syrian Arab Republic | 5 | 3 | 1 297 740.03 | 344 380.03 |
| Turkey | - | 1 | 7 345.00 | 0.00 |
| United Kingdom | 3 | 2 | 1 752 566.90 | 129 708.00 |
| United States | 7 | 2 | 2 755 412.56 | 853 299.70 |
| Yemen | 17 | 3 | 8 148 946.63 | 2 641 402.54 |
| UNRWA Gaza | 1 | 1 | 989 807.67 | 4 844.29 |
| **Total** | **289** | **43** | **211 284 854.22** | **81 331 513.17** |

## D. Report and recommendations made by the Panel of Commissioners concerning the thirteenth instalment of E2 claims (S/AC.26/2003/10)

| *Country* | *Number of claims recommended for payment* | *Number of claims not recommended for payment* | *Amount of compensation claimed (US$)* | *Amount of compensation recommended (US$)* |
|---|---|---|---|---|
| Austria | - | 1 | 3 176 097 | nil |
| China | 2 | 4 | 115 992 049 | 531 815 |
| Denmark | - | 1 | 1 340 461 | nil |
| Egypt | 7 | 22 | 5 965 096 | 148 607 |
| France | 2 | 8 | 15 519 620 | 3 154 113 |
| Germany | 8 | 17 | 59 791 292 | 709 762 |
| Greece | - | 1 | 207 539 | nil |
| India | 3 | 7 | 265 303 | 49 526 |
| Ireland | 1 | - | 33 411 | 33 411 |
| Italy | 4 | 5 | 7 778 167 | 150 460 |
| Japan | 3 | - | 2 269 390 | 637 086 |
| Netherlands | 6 | 10 | 7 790 626 | 360 689 |
| Pakistan | 1 | 2 | 750 401 | 4 350 |
| Portugal | 1 | 2 | 340 105 | 3 618 |
| Saudi Arabia | 1 | 2 | 625 361 | 216 000 |
| Singapore | 1 | 1 | 675 298 | 609 466 |
| Spain | 1 | 3 | 833 348 | 29 939 |
| Switzerland | 3 | - | 7 428 262 | 949 547 |
| Syrian Arab Republic | 1 | - | 90 196 456 | 4 187 616 |
| Tunisia | - | 1 | 458 060 | nil |
| Turkey | 9 | 2 | 3 728 522 | 1 978 684 |
| United Kingdom | 23 | 18 | 77 072 536 | 4 581 707 |
| United States | - | 3 | 3 203 599 | nil |
| **Total** | **77** | **110** | **405 440 999** | **18 336 397** |

## E. Report and recommendations made by the Panel of Commissioners concerning the twenty-fifth instalment of E3 claims (S/AC.26/2003/11)

| *Country* | *Number of claims recommended for payment* | *Number of claims not recommended for payment* | *Amount of compensation claimed (US$)* | *Amount of compensation recommended (US$)* |
|---|---|---|---|---|
| Bosnia and Herzegovina | - | 2 | 51 528 728 | nil |
| France | - | 1 | 28 718 764 | nil |
| India | - | 1 | 155 140 000 | nil |
| Italy | - | 1 | 8 030 675 | nil |
| Netherlands | - | 1 | 583 206 | nil |
| Pakistan | - | 1 | 309 487 029 | nil |
| Saudi Arabia | - | 1 | 7 930 044 | nil |
| Turkey | 1 | - | 4 708 497 | 295 820 |
| United Kingdom | 2 | 2 | 73 936 332 | 1 486 318 |
| United States | - | 2 | 50 226 599 | nil |
| **Total** | **3** | **12** | **690 289 874** | **1 782 138** |

## F. Report and recommendations made by the Panel of Commissioners concerning the eighteenth instalment of E4 claims (S/AC.26/2003/12)

Table 1
**Recommended awards for non-overlapping claims**

| *Country* | *Number of claims recommended for payment* | *Number of claims not recommended for payment* | *Amount of compensation claimed (US$)* | *Amount of compensation recommended (US$)* |
|---|---|---|---|---|
| Kuwait | 58 | 4 | 119 218 384 | 39 492 956 |

Table 2
**Recommended awards for overlapping claims**

| *Country* | *Number of claims recommended for payment* | *Number of claims not recommended for payment* | *Amount of compensation claimed (US$)* | *Amount of compensation recommended (US$)* |
|---|---|---|---|---|
| Kuwait | 103 | - | 558 509 453 | 89 319 148 |

Table 3

**Distribution of amounts to Kuwaiti corporate claimants applying bilateral committee determinations made pursuant to article 2 of the guidelines annexed to decision 123 to recommended awards**

| *Country* | *Number of claims entitled to receive payment* | *Number of claims not entitled to receive payment* | *Amount claimed in E4 claims (US$)* | *Amount of compensation (US$)* |
|---|---|---|---|---|
| Kuwait | 79 | 24 | 216 030 152 | 45 176 380 |

Table 4

**Distribution of awards to individual claimants applying bilateral committee determinations made pursuant to article 2 of the guidelines annexed to decision 123 to recommended awards**

| *Country or international organization* | *Number of claims entitled to receive payment* | *Number of claims not entitled to receive payment* | *Amount claimed for corporate losses in individual claims (US$)* | *Amount of compensation (US$)* |
|---|---|---|---|---|
| Canada | 2 | 2 | 13 692 668 | 3 644 017 |
| Egypt | 2 | - | 352 377 | 64 237 |
| India | 5 | 7 | 18 968 588 | 2 387 871 |
| Jordan | 66 | 26 | 299 975 765 | 33 398 937 |
| Lebanon | 1 | 1 | 877 993 | 511 133 |
| Syrian Arab Republic | 6 | 1 | 2 745 585 | 573 838 |
| United Kingdom | 2 | - | 1 671 661 | 358 959 |
| United States | 2 | - | 3 465 131 | 1 315 602 |
| Yemen | 1 | 1 | 285 865 | 285 865 |
| UNRWA Gaza | 2 | - | 443 668 | 212 020 |
| **Total** | **89** | **38** | **342 479 301** | **42 752 479** |

## G. Report and recommendations made by the Panel of Commissioners concerning the twenty-third instalment of E4 claims (S/AC.26/2003/13)

| *Country* | *Number of claims recommended for payment* | *Number of claims not recommended for payment* | *Amount of compensation claimed (US$)* | *Amount of compensation recommended (US$)* |
|---|---|---|---|---|
| Kuwait | 17 | - | 466 129 457 | 159 066 498 |

## H. Report and recommendations made by the Panel of Commissioners concerning instalment twenty-three (A) of E4 claims (S/AC.26/2003/14)

Table 1
**Recommended awards for stand alone claims**

| *Number of Kuwaiti corporate claims recommended for payment* | *Number of Kuwaiti corporate claims not recommended for payment* | *Amount of compensation claimed (US$)* | *Amount of compensation recommended (US$)* |
|---|---|---|---|
| 105 | 5 | 148 172 826 | 38 891 974 |

Table 2
**Distribution of awards to individual claimants applying bilateral committee determinations made pursuant to article 2 of the guidelines annexed to decision 123 to recommended awards in the report**

| *Country or international organization* | *Number of individual claims* | *Amount claimed for corporate losses in individual claims (US$)* | *Amount of compensation (US$)* |
|---|---|---|---|
| Austria | 2 | 319 870 | nil |
| Canada | 3 | 1 067 509 | 557 629 |
| Egypt | 2 | 200 692 | 61 779 |
| India | 3 | 8 021 540 | 1 335 198 |
| Jordan | 109 | 128 280 137 | 30 534 516 |
| Lebanon | 1 | 67 266 | 26 907 |
| Netherlands | 1 | 542 837 | 196 793 |
| Spain | 1 | 204 250 | 33 965 |
| Syrian Arab Republic | 9 | 5 662 863 | 2 540 779 |
| United Kingdom | 1 | 595 156 | 120 411 |
| Yemen | 1 | 1 604 287 | 697 733 |
| UNRWA Gaza | 2 | 1 606 419 | 246 420 |
| **Total** | **135** | **148 172 826** | **36 352 130** |

## I. Report and recommendations made by the Panel of Commissioners concerning part three of the third instalment of F3 claims (S/AC.26/2003/15)

| *Country* | *Number of claims recommended for payment* | *Number of claims not recommended for payment* | *Amount of compensation claimed (US$)* | *Amount of compensation recommended (US$)* |
|---|---|---|---|---|
| Kuwait | 1 | 1 | 72 860 612 638 | 1 507 604 000 |

## Annex II

### Documents before the Compensation Commission at its forty-eighth session

1. Report and recommendations made by the D2 Panel of Commissioners concerning part two of the fourteenth instalment of individual claims for damages above $100,000 (category D claims) (S/AC.26/2003/7).

2. Decision concerning part two of the fourteenth instalment of individual claims for damages above $100,000 (category D claims) (S/AC.26/Dec.186 (2003)).

3. Report and recommendations made by the D1 Panel of Commissioners concerning part two of the fifteenth instalment of individual claims for damages above $100,000 (category D claims) (S/AC.26/2003/8).

4. Decision concerning part two of the fifteenth instalment of individual claims for damages above $100,000 (category D claims) (S/AC.26/Dec.187 (2003)).

5. Report and recommendations made by the D2 Panel of Commissioners concerning part one of the sixteenth instalment of individual claims for damages above $100,000 (category D claims) (S/AC.26/2003/9).

6. Decision concerning part one of the sixteenth instalment of individual claims for damages above $100,000 (category D claims) (S/AC.26/Dec.188 (2003)).

7. Report and recommendations made by the Panel of Commissioners concerning the thirteenth instalment of E2 claims (S/AC.26/2003/10).

8. Decision concerning the thirteenth instalment of E2 claims (S/AC.26/Dec.189 (2003)).

9. Report and recommendations made by the Panel of Commissioners concerning the twenty-fifth instalment of E3 claims (S/AC.26/2003/11).

10. Decision concerning the twenty-fifth instalment of E3 claims (S/AC.26/Dec.190 (2003)).

11. Report and recommendations made by the Panel of Commissioners concerning the eighteenth instalment of E4 claims (S/AC.26/2003/12).

12. Decision concerning the eighteenth instalment of E4 claims (S/AC.26/Dec.191 (2003)).

13. Report and recommendations made by the Panel of Commissioners concerning the twenty-third instalment of E4 claims (S/AC.26/2003/13).

14. Decision concerning the twenty-third instalment of E4 claims (S/AC.26/Dec.192 (2003)).

15. Report and recommendations made by the Panel of Commissioners concerning instalment twenty-three (A) of E4 claims (S/AC.26/2003/14).

16. Decision concerning instalment twenty-three (A) of E4 claims (S/AC.26/Dec.193 (2003)).

17. Report and recommendations made by the Panel of Commissioners concerning part three of the third instalment of F3 claims (S/AC.26/2003/15).

18. Decision concerning part three of the third instalment of F3 claims (S/AC.26/Dec.194 (2003)).

19. Twenty-second report of the Executive Secretary pursuant to article 41 of the Provisional Rules for Claims Procedure (S/AC.26/2003/16).

20. Decision concerning corrections of awards pursuant to article 41 of the Provisional Rules for Claims Procedure (S/AC.26/Dec.195 (2003)).

21. Decision concerning the establishment of deadlines for the receipt of requests made pursuant to article 41 of the Provisional Rules for Claims Procedure (S/AC.26/Dec.196 (2003)).

22. Decision concerning a temporary payment mechanism (S/AC.26/Dec.197 (2003)).

United Nations S/2003/756

Security Council

Distr.: General
24 July 2003

Original: English

## Letter dated 16 July 2003 from the Permanent Representative of Italy to the United Nations addressed to the Secretary-General

I have the honour to draw your attention to the statement on the peace process in Somalia, issued on 15 July 2003 by the Presidency of the European Union on behalf of the European Union (see annex).

I should be grateful if the text of this letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Marcello **Spatafora**
Permanent Representative of Italy to the United Nations

03-44017 (E) 250703

## Annex to the letter dated 16 July 2003 from the Permanent Representative of Italy to the United Nations addressed to the Secretary-General

[Original: English and French]

## Statement on the peace process in Somalia issued on 15 July 2003 by the Presidency of the European Union on behalf of the European Union

The European Union welcomes the signing on 5 July by all Somali leaders present in Kenya of a document in which they set out the basic principles that will govern the passage from the second to the third phase of the Mbagathi Conference, as well as the four years of the Transitional Federal Government of the Republic of Somalia. It also expresses its appreciation for the fact that the document was subsequently approved by acclamation by the plenary assembly of the Conference. This is fully in line with the European Union Council conclusions on Somalia of 22 July 2002.

The European Union notes with satisfaction that once again important differences among the Somali leaders have been overcome by their willingness to compromise and by the patient and effective mediation of the IGAAD Technical Committee, headed by the Kenyan Special Envoy, Ambassador Kiplagat.

The European Union strongly urges all the Somali leaders who have been unable to return to Kenya to do so without delay and thereby allow the Conference to move into the third and final phase. Moreover, the European Union calls on all Somali leaders to avoid actions which may disrupt the Conference, in particular any violations of the 27 October 2002 Eldoret Agreement on the cessation of hostilities.

The European Union is convinced that the future of the reconciliation process continues to rest in Somali hands. It therefore calls on all Somali leaders to achieve a final compromise at an early date in order to allow the return of peace and stability to the country, ending a decade of conflict which has caused immense suffering to the Somali people.

The European Union stands ready to lend its full support to the IGAD-sponsored peace conference as well as to a comprehensive and balanced peace agreement and all-inclusive institutions entrusted with its implementation.

The acceding countries Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia, the associated countries Bulgaria, Romania and Turkey and the EFTA countries members of the European Economic Area align themselves with this statement.

United Nations S/2003/757

Security Council

Distr.: General
25 July 2003
English
Original: French

## Draft resolution

*The Security Council,*

*Recalling* its previous resolutions and the statements by its President concerning the Democratic Republic of the Congo,

*Reaffirming* its commitment to respect for the sovereignty, territorial integrity and political independence of the Democratic Republic of the Congo and all the States of the region,

*Reaffirming also* the obligations of all States to refrain from the use of force against the territorial integrity and political independence of any State or in any other manner incompatible with the purposes and principles of the United Nations,

*Concerned* by the continued illegal exploitation of the natural resources of the Democratic Republic of the Congo, and reaffirming in this regard its commitment to respect for the sovereignty of the Democratic Republic of the Congo over its natural resources,

*Welcoming* the conclusion of the Global and All Inclusive Agreement on the Transition in the Democratic Republic of the Congo (signed in Pretoria on 17 December 2002), and the subsequent establishment of the Government of National Unity and Transition,

*Deeply concerned* by the continuation of hostilities in the eastern part of the Democratic Republic of the Congo, particularly in North and South Kivu and in Ituri, and by the grave violations of human rights and of international humanitarian law that accompany them,

*Recalling* that it is incumbent on all the parties to cooperate in the overall deployment of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC),

*Renewing* its support to the Interim Emergency Multinational Force deployed in Bunia and stressing the need to ensure effective and timely replacement of the Force, as requested in resolution 1484 (2003), to contribute in the best way to the stabilization of Ituri,

*Taking note* of the second special report of the Secretary-General on MONUC, of 27 May 2003 (S/2003/566), and of its recommendations,

*Taking note also* of the report of the Security Council Mission to Central Africa, of 18 June 2003 (S/2003/653),

*Noting* that the situation in the Democratic Republic of the Congo continues to constitute a threat to international peace and security in the region,

*Acting* under Chapter VII of the Charter of the United Nations,

1. *Expresses satisfaction* at the promulgation, on 4 April 2003, of the Transitional Constitution in the Democratic Republic of the Congo and at the formation, announced on 30 June 2003, of the Government of National Unity and Transition, encourages the Congolese parties to take the necessary decisions in order to allow the transitional institutions to begin functioning effectively, and encourages them also in this regard to include representatives of the interim institutions that emerged from the Ituri Pacification Commission in the transitional institutions;

2. *Decides* to extend the mandate of MONUC until 30 July 2004;

3. *Notes with appreciation* the recommendations in the second special report of the Secretary-General and authorizes increasing the military strength of MONUC to 10,800 personnel;

4. *Requests* the Secretary-General to ensure, through his Special Representative for the Democratic Republic of the Congo, who convenes the International Committee in support of the Transition, the coordination of all the activities of the United Nations system in the Democratic Republic of the Congo, and to facilitate coordination with other national and international actors of activities in support of the transition;

5. *Encourages* MONUC, in coordination with other United Nations agencies, donors and non-governmental organizations, to provide assistance, during the transition period, for the reform of the security forces, the re-establishment of a State based on the rule of law and the preparation and holding of elections, throughout the territory of the Democratic Republic of the Congo, and welcomes, in this regard, the efforts of the Member States to support the transition and national reconciliation;

6. *Approves* the temporary deployment of MONUC personnel intended, during the first months of the establishment of the transitional institutions, to participate in a multi-layer security system in Kinshasa in accordance with paragraphs 35 to 38 of the second special report of the Secretary-General, approves also the reconfiguration of the MONUC civilian police component as outlined in paragraph 42 of that report, and encourages MONUC to continue to support police development in areas of urgent need;

7. *Encourages* donors to support the establishment of an integrated Congolese police unit and approves the provision by MONUC of the additional assistance that might be needed for its training;

8. *Strongly condemns* the acts of violence systematically perpetrated against civilians, including the massacres, as well as other atrocities and violations of international humanitarian law and human rights, in particular, sexual violence against women and girls, stresses the need to bring to justice those responsible, including those at the command level, and urges all parties, including the Government of the Democratic Republic of the Congo, to take all necessary steps to prevent further violations of human rights and international humanitarian law, in particular those committed against civilians;

9. *Reaffirms* the importance of a gender perspective in peacekeeping operations in accordance with resolution 1325 (2000), recalls the need to address violence against women and girls as a tool of warfare, and in this respect encourages MONUC to continue to actively address this issue; and calls on MONUC to increase the deployment of women as military observers as well as in other capacities;

10. *Reaffirms* that all Congolese parties have an obligation to respect human rights, international humanitarian law and the security and well-being of the civilian population;

11. *Urges* the Government of National unity and Transition to ensure that the protection of human rights and the establishment of a State based on the rule of law and of an independent judiciary are among its highest priorities, including the establishment of the necessary institutions as reflected in the Global and All-inclusive agreement, encourages the Secretary-General, through his Special Representative, and the United Nations High Commissioner for Human Rights to coordinate their efforts in particular to assist the transitional authorities of the Democratic Republic of the Congo in order to put an end to impunity, and encourages also the African Union to play a role in this regard;

12. *States that it is profoundly preoccupied* by the humanitarian situation throughout the country and, in particular, in the eastern regions, and demands that all the parties guarantee the security of the civilian population thereby enabling MONUC and humanitarian organizations to have total, unrestricted and immediate access to the population groups in need;

13. *Strongly condemns* the continued recruitment and use of children in the hostilities in the Democratic Republic of the Congo, especially in North and South Kivu and in Ituri, and reiterates the request addressed to all the parties, in Security Council resolution 1460 (2003) to provide the Special Representative of the Secretary-General with information on the measures that they have taken to put an end to the recruitment and use of children in their armed components, as well as the requests concerning the protection of children set forth in resolution 1261 (1999) and subsequent resolutions;

14. *Strongly condemns* the continuing armed conflict in the eastern part of the Democratic Republic of the Congo especially the serious ceasefire violations that occurred recently in North and South Kivu, including in particular the offensives by the Congolese Rally for Democracy (RCD-Goma), demands that all the parties, in compliance with the Bujumbura "Acte d'Engagement" of 19 June 2003, establish without delay or precondition the full cessation of hostilities and withdraw to the positions agreed to in the Kampala/Harare disengagement plans, and that they refrain from any provocative action;

15. *Demands* that all the parties desist from any interference with freedom of movement of United Nations personnel, recalls that all the parties have the obligation to provide full and unhindered access to MONUC to allow it to carry out its mandate, and asks the Special Representative of the Secretary-General to report any failure to comply with this obligation;

16. *Expresses concern* at the fact that the continuing hostilities in the eastern part of the Democratic Republic of the Congo are seriously compromising MONUC action in the process of the disarmament, demobilization, repatriation, reintegration or resettlement (DDRRR) of the foreign armed groups referred to in chapter 9.1 of

the Lusaka Ceasefire Agreement (S/1999/815), urges all the parties concerned to cooperate with MONUC and underscores the importance of making rapid and appreciable progress in that process;

17. *Authorizes* MONUC to assist the Government of National Unity and Transition in disarming and demobilizing those Congolese combatants who may voluntarily decide to enter the disarmament, demobilization and reintegration (DDR) process within the framework of the Multi-Country Demobilization and Reintegration Programme, pending the establishment of a national DDR programme in coordination with the United Nations Development Programme and other agencies concerned;

18. *Demands* that all States and in particular those in the region, including the Democratic Republic of the Congo, ensure that no direct or indirect assistance, especially military or financial assistance, is given to the movements and armed groups present in the Democratic Republic of the Congo;

19. *Demands* that all parties provide full access to MONUC military observers, including in ports, airports, airfields, military bases and border crossings, and requests the Secretary-General to deploy MONUC military observers in North and South Kivu and in Ituri and to report to the Security Council regularly on the position of the movements and armed groups and on information concerning arms supply and the presence of foreign military, especially by monitoring the use of landing strips in that region;

20. *Decides* that all States, including the Democratic Republic of the Congo, shall, for an initial period of 12 months from the adoption of this resolution, take the necessary measures to prevent the direct or indirect supply, sale or transfer, from their territories or by their nationals, or using their flag vessels or aircraft, of arms and any related materiel, and the provision of any assistance, advice or training related to military activities, to all foreign and Congolese armed groups and militias operating in the territory of North and South Kivu and of Ituri, and to groups not party to the Global and All-inclusive agreement, in the Democratic Republic of the Congo;

21. *Decides* that the measures imposed by paragraph 20 above shall not apply to:

- supplies to MONUC, the Interim Emergency Multinational Force deployed in Bunia and the integrated Congolese national army and police forces;
- supplies of non-lethal military equipment intended solely for humanitarian or protective use, and related technical assistance and training as notified in advance to the Secretary-General through its Special Representative;

22. *Decides* that, at the end of the initial 12 months, the Security Council will review the situation in the Democratic Republic of the Congo and in particular in the eastern part of the country, with a view to renewing the measures stipulated in paragraph 20 above if no significant progress has been made in the peace process, in particular an end to support for armed groups, an effective ceasefire and progress in the DDRRR by foreign and Congolese armed groups;

23. *Expresses its determination* closely to monitor compliance with the measures laid down in paragraph 20 and to consider necessary steps to ensure the

effective monitoring and implementation of these measures, including the possible establishment of a monitoring mechanism;

24. *Urges* the States neighbouring the Democratic Republic of the Congo, particularly Rwanda and Uganda, which have an influence over movements and armed groups operating in the territory of the Democratic Republic of the Congo, to exercise a positive influence on them to settle their disputes by peaceful means and join in the process of national reconciliation;

25. *Authorizes* MONUC to take the necessary measures in the areas of deployment of its armed units, and as it deems it within its capabilities:

- to protect United Nations personnel, facilities, installations and equipment;
- to ensure the security and freedom of movement of its personnel, including in particular those engaged in missions of observation, verification or DDRRR;
- to protect civilians and humanitarian workers under imminent threat of physical violence;
- and to contribute to the improvement of the security conditions in which humanitarian assistance is provided;

26. *Authorizes* MONUC to use all necessary means to fulfil its mandate in the Ituri district and, as it deems it within its capabilities, in North and South Kivu;

27. *Requests* the Secretary-General to deploy in the Ituri district, as soon as possible, the tactical brigade-size force whose concept of operation is set out in paragraphs 48 to 54 of his second special report, including the reinforced MONUC presence in Bunia by mid-August 2003 as requested in resolution 1484 (2003), particularly with a view to helping to stabilize the security conditions and improving the humanitarian situation, ensuring the protection of airfields and displaced persons living in camps and, if the circumstances warrant it, helping to ensure the security of the civilian population and the personnel of the United Nations and the humanitarian organizations in Bunia and its environs and eventually, as the situation permits, in other parts of Ituri;

28. *Condemns* categorically the illegal exploitation of the natural resources and other sources of wealth of the Democratic Republic of the Congo and expresses its intention to consider means that could be used to end it, awaits with interest the report to be submitted shortly by the group of experts on such illegal exploitation and on the link that exists between it and the continuation of hostilities, and demands that all parties and interested States offer full cooperation to the group of experts;

29. *Encourages* the Governments of the Democratic Republic of the Congo, Rwanda, Uganda and Burundi to take steps to normalize their relations and cooperate in assuring mutual security along their common borders, and invites these Governments to conclude good-neighbourly agreements among themselves;

30. *Reaffirms* that an international conference on peace, security, democracy and development in the Great Lakes region of Africa, with participation by all the Governments of the region and all the other parties concerned, should be organized at the appropriate time under the aegis of the United Nations and the African Union with a view to strengthening stability in the region and working out conditions that will enable everyone to enjoy the right to live peacefully within national borders;

31. *Reiterates* its support unreservedly for the Special Representative of the Secretary-General and for all MONUC personnel, and for the efforts they continue to make to assist the parties in the Democratic Republic of the Congo and in the region to advance the peace process;

32. *Decides* to remain actively seized of the matter.

United Nations A/57/851–S/2003/758

General Assembly
Security Council

Distr.: General
25 July 2003

Original: English

**General Assembly**
**Fifty-seventh session**
Agenda items 36 and 160

**The situation in the Middle East**

**Measures to eliminate international terrorism**

**Security Council**
**Fifty-eighth year**

## Letter dated 24 July 2003 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General

I wish to draw your attention to the latest of a number of recent violations of the Blue Line from Lebanese territory which continue to threaten civilian lives and cause damage to residential communities in northern Israel.

On Monday, 21 July 2003, Hizbullah terrorists fired missiles across the Blue Line from Lebanon, injuring three civilians in the northern Israeli town of Shlomi and causing shock and terror among the local population. The shrapnel also hit a school, causing some damage. Following the attack, a senior Hizbollah member was reported to threaten that such acts against the residents of Northern Israel would continue.

This incident serves to once again illustrate that in spite of Israeli withdrawal three years ago in full and confirmed compliance with Security Council resolution 425 (1978), the Government of Lebanon persists in refusing to live up to its obligations under the norms of international law and the provisions of resolutions 425 (1978), 426 (1978), 1310 (2000), 1337 (2001) and 1373 (2001), which call for the restoration of international peace and security, the return of the effective authority and presence of the Government of Lebanon in the south, and the prevention of cross-border attacks from a state's territory.

Indeed, rather than acting to fulfil its international obligations, the Government of Lebanon has effectively relinquished control of South Lebanon to Hizbollah, a terrorist organization that has supported and perpetrated numerous terrorist actions, both in the Middle East and beyond. The recent incidents testify, yet again, to the fact that were Lebanon to simply meet the obligations required of all States to prevent their territory from serving as a base for terrorist attacks, tensions in the area would be immeasurably defused and Israeli measures of self-defence would be unnecessary.

03-44207 (E) 280703

In the light of the impending renewal of the mandate of the United Nations Interim Force in Lebanon and the publication of the report of the Secretary-General on this issue (S/2003/728), it is incumbent upon the international community to make clear to Lebanon and Syria, the power-broker and the occupying force in that country, that it will not tolerate continued support for illegal cross-border attacks that jeopardize international peace and security. The time has come for Lebanon to live up to its obligations under international law and Security Council resolutions, to assume effective control over its territory, and to prevent acts of terrorism like any responsible state.

The present letter is a follow-up to previous letters concerning the dangerous situation in South Lebanon caused by the illegal attacks perpetrated by Hizbullah across the Blue Line.

I should be grateful if you would arrange to have the text of the present letter circulated as an official document of the fifty-seventh session of the General Assembly, under agenda items 160 and 36, and of the Security Council.

(*Signed*) Ambassador Dan **Gillerman**
Permanent Representative

United Nations A/57/852–S/2003/759

General Assembly
Security Council

Distr.: General
25 July 2003

Original: English

**General Assembly**
**Fifty-seventh session**
Agenda item 54
**Question of Cyprus**

**Security Council**
**Fifty-eighth year**

## Letter dated 24 July 2003 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 24 July 2003, addressed to you by His Excellency Mr. Reşat Çağlar, Representative of the Turkish Republic of Northern Cyprus (see annex).

I should be grateful if the text of the present letter and its annex would be circulated as a document of the General Assembly, under agenda item 54, and of the Security Council.

(*Signed*) Umit **Pamir**
Ambassador
Permanent Representative

03-44232 (E) 280703

## Annex to the letter dated 24 July 2003 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to enclose herewith a copy of the self-explanatory lett dated 24 July 2003, addressed to you by H.E. Mr. Rauf R. Denktaş, President of th Turkish Republic of Northern Cyprus (see enclosure).

(*Signed*) Reşat **Çağla**
Representativ
Turkish Republic of Northern Cypru

## Enclosure

In paragraph 8 of your report on United Nations operations in Cyprus dated 27 May 2003, you state that the Greek Cypriot side has reiterated the intention to remove landmines in the United Nations buffer zone.

I have the honour to confirm that the military authorities of the Turkish Republic of Northern Cyprus are prepared to discuss with the United Nations Peacekeeping Force in Cyprus (UNFICYP) the issue of demining in Nicosia and its close vicinity. The implementation of military confidence-building measures has been a long-standing wish to UNFICYP in order to reduce tension between the two sides.

No doubt, while reinforcing the positive climate that has been created as a result of the series of initiatives we have undertaken since 23 April 2003 and providing a more secure environment for crossings between the two sides, the implementation of this confidence-building measure would contribute to efforts aimed at reaching a comprehensive settlement.

I hope that this time the Greek Cypriot side will not fail to reciprocate in response to our initiative.

(*Signed*) Rauf R. **Denktaş**
President

United Nations S/2003/760

# Security Council

Distr.: General
28 July 2003

Original: English

## Letter dated 25 July 2003 from the Chargé d'affaires a.i. of the Permanent Mission of Mozambique to the United Nations addressed to the President of the Security Council

In my delegation's capacity as representative of the current Chairman of the African Union, I have the honour to transmit herewith a communiqué issued by the Central Organ of the Mechanism for Conflict Prevention, Management and Resolution of the African Union at its ninety-third ordinary session at the ambassadorial level, held in Addis Ababa on 24 July 2003 (see annex).

The communiqué contains decisions adopted on:

(a) The situation in Sao Tome and Principe;

(b) The situation in Liberia;

(c) The deployment of the African Mission in Burundi.

I should be grateful if the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Nuno **Tomás**
Chargé d'affaires a.i.
Permanent Mission of the Republic of Mozambique to the United Nations
Representative of the Current Chairman

03-44472 (E) 300703

**Annex to the letter dated 25 July 2003 from the Chargé d'affaires a.i. of the Permanent Mission of Mozambique to the United Nations addressed to the President of the Security Council**

[Original: English and French]

**Communiqué of the ninety-third ordinary session at ambassadorial level of the Central Organ of the Mechanism for Conflict Prevention, Management and Resolution**

**24 July 2003, Addis Ababa**

The Central Organ of the Mechanism for Conflict Prevention, Management and Resolution held its 93rd ordinary session at Ambassadorial level in Addis Ababa, Ethiopia, on 24 July 2003. The session was chaired by Ambassador Emmanuel Mendoume Nze, Permanent Representative of Gabon to the African Union (AU).

The Central Organ examined the situation in Sao Tomé and Principé, in light of the coup d'Etat which took place in that country on 16 July 2003; the situation in Liberia; and the deployment of the African Mission in Burundi, in accordance with its communiqué of 2 April 2003.

Ambassador Said Djinnit, Commissioner in charge of Peace and Security, briefed the Central Organ on the three issues under consideration. He also informed the Central Organ on the outcome of the visit to the Comoros, from 16 to 18 July 2003, of a Ministerial Delegation of the countries of the region and the AU Troika, as well as on the status of the signing and ratification of the Protocol relating to the establishment of the Peace and Security Council Protocol. The Central Organ also listened to the Head of the African Mission and Special Representative of the Interim Chairperson of the Commission in Burundi, Ambassador Mamadou Bah, and the Commander of the military component of the Mission, Brig. General Sipho Binda, on the situation in Burundi and the activities of the African Mission.

At the end of its deliberations, the Central Organ took the following decisions:

## A. On the Situation in Sao Tome and Principe

**The Central Organ:**

1. **REITERATES** the unreserved condemnation by the AU of the coup d'Etat that took place in Sao Tome and Principe on 16 July 2003, and its commitment to the July 2000 Lome Declaration on the *Framework for an OAU Response to Unconstitutional Changes of Government* and the relevant principles enshrined in the AU Constitutive Act;

2. **WELCOMES** the statements made by the AU Chairperson, the Interim Chairperson of the AU Commission and the Current Chairman of the Economic Community of Central African States (ECCAS);

3. **WELCOMES** the unanimous condemnation by the international community of the coup d'Etat in Sao Tome and Principe;

4. **ALSO WELCOMES** the successful resolution of the crisis, through the restoration of constitutional order and the return of the elected President, Mr. Fradique de Menezes, thanks to the determined efforts of the International Mediation made up of representatives of the Economic Community of Central African States (ECCAS), under the Chairmanship of the Republic of Congo, the African Union, the Community of Portuguese Speaking Countries (CPLP) and Nigeria ;

5. **CALLS UPON** all the parties concerned to scrupulously respect the agreement concluded under the auspices of the International Mediation and, in this connection, **REQUESTS** the Interim Chairperson of the AU Commission, in close collaboration with ECCAS, to take the most appropriate initiatives to consolidate the results achieved;

6. **EXPRESSES** its grave concern over the resurgence of the scourge of coups d'Etat on the Continent and **REQUESTS** the Commission to make an in-depth review of the Lome Declaration, in light of the developments that have occurred since its adoption, in July 2000, and to submit to it, through its sub-Committee on Unconstitutional Changes of Government, for subsequent consideration by the competent policy organs of the AU, concrete proposals aimed at strengthening the effectiveness of the Declaration, including the rejection of any participation, in particular as candidates, of the perpetrators of coups d'Etat, or any other form of unconstitutional change, in elections organized to restore constitutional order;

7. **APPEALS** to the international community to support the principled position of the AU on the rejection of unconstitutional changes of Government;

8. **CALLS UPON** once again Member States that have not yet done so to become parties without delay to the Protocol relating to the establishment of the Peace and Security Council, whose entry into force will enable the AU to deal more effectively with unconstitutional changes of government.

## B. On the situation in Liberia

**The Central Organ:**

1. **RECALLS** decision EX/CL/Dec.44 (III) on the situation in Liberia, adopted by the Executive Council at its third ordinary session, held in Maputo, Mozambique, from 4 – 8 July 2003;

2. **TAKES NOTE** of the Communiqué issued by the ministerial meeting of the Mediation and Security Council of the Economic Community of West African States (ECOWAS) held in Dakar, Senegal, on 22 July 2003, and **FULLY SUPPORTS** the decisions taken during that meeting;

3. **STRONGLY CONDEMNS** the continued offensive by the LURD against Monrovia, as well as the indiscriminate and criminal attacks perpetrated against the civilian population, and **DECLARES ITSELF GRAVELY CONCERNED** by the catastrophic humanitarian conditions resulting from that situation;

4. **CALLS UPON** all the parties to the conflict to scrupulously observe the Ceasefire Agreement which they signed in Accra, Ghana, on 17 June 2003, and the international humanitarian law;

5. In conformity with the July 2000 Lome Declaration on Unconstitutional Changes of Government and the relevant principles enshrined in the Constitutive Act of the African Union, **REAFFIRMS** that the AU shall not recognize any regime that would come to power by force of arms or by any other unconstitutional means, and shall scrupulously apply, against any such regime, the measures and sanctions stipulated by the Lome Declaration and the Constitutive Act of the African Union;

6. **COMMENDS** the ECOWAS countries under the chairmanship of President John Kufuor of Ghana, for the sustained efforts being deployed to restore peace and stability in Liberia;

7. **CALLS UPON** all the parties concerned to lend their full cooperation to the on-going mediation efforts deployed under the auspices of ECOWAS in Accra, Ghana, and to work resolutely and in all sincerity towards a negotiated settlement of the present conflict;

8. **WELCOMES** the decision by ECOWAS to deploy, in Monrovia, a Vanguard Force composed initially of two Nigerian battalions to be reinforced by additional troops, with the objective, among other things, of establishing zones of separation between the parties and forming the nucleus of an International Stabilization Force;

9. **MAKES AN URGENT APPEAL** to the United States Government, the European Union, the United Nations and other members of the international community to assist ECOWAS, in order facilitate the deployment of its Interposition Force, and take all the necessary measures towards the deployment of the International Stabilization Force, as envisaged in the 17 June 2003 Ceasefire Agreement;

10. **REQUESTS** the Interim Chairperson of the Commission to take all appropriate steps, in consultation with the Chairperson of the African Union, to sensitise the international community and facilitate the mobilization of the requisite resources to sustain ECOWAS action and the deployment of its Force;

11. **FURTHER REQUESTS** the Chairperson of the Commission to work closely with ECOWAS with a view to ensuring a speedy resolution of the conflict;

12. **REITERATES AU's GRAVE CONCERN** over the humanitarian situation in Liberia and **URGES** Member States and the international community at large to provide the requisite humanitarian assistance to the affected countries and populations, including refugees and displaced persons.

## C. <u>On the Deployment of the African Mission in Burundi</u>

**The Central Organ:**

1. **RECALLS** decision EX/CL/Dec.39 (III) on the situation in Burundi adopted by the Executive Council during its 3rd Ordinary Session held in Maputo, from 4 to 8 July 2003 and **REITERATES** its support to the peace process conducted by the Regional Initiative for Peace in Burundi and the Mediation, with the support of the African Union, with the view to finding a speedy and lasting solution to the conflict in Burundi;

2. **WELCOMES** the results achieved by the African Mission in the accomplishment of its mandate, particularly the cantonment of the combatants of Jean Basco Ndayikengurukiye's CNDD-FDD and Alain Mugabarabona's PALIPEHUTU-FNL armed movements;

3. **ALSO WELCOMES** the encouraging results of the Regional Consultative Summit on Burundi held in Dar-es-Salaam, Tanzania, on 20 July 2003, particularly the commitment by the Transition Government of Burundi and the CNDD-FDD of Pierre NKURUNZIZA to work towards effective implementation of the 2 December 2002 Ceasefire Agreement;

4. **URGES** the PALIPEHUTU/FNL of Agathon Rwasa to join the peace process without any further delay, with the view to concluding a ceasefire agreement, and to put an immediate end to its attacks;

5. **EXPRESSES** the conviction of the AU that there currently exists a unique opportunity to achieve lasting peace and reconciliation in Burundi, which the Burundi parties and the international community have the absolute duty to seize upon;

6. **EXPRESSES** the serious concern of the African Union over the serious woeful inadequacy of financial and logistic resources, a constraint hampering the completion of the African Mission deployment and whose persistence could undermine the results thus far achieved in the implementation of the peace and reconciliation process in Burundi;

7. **REITERATES** Africa Union's urgent appeal to its Member States to contribute towards the funding of the African Mission pursuant to the decisions of the 91st Ordinary Session of the Central Organ, held on 2 April 2003, and the 3rd Ordinary Session of the Executive Council of the African Union, held in Maputo, from 4 to 8 July 2003;

8. **FURTHER REITERATES** African Union's urgent appeal to the European Union and the United Nations, as well as to its bilateral partners and the international community at large, to urgently respond to African Union's request for assistance to ensure the full deployment and effective operationalization of the African Mission in Burundi;

9. **ENCOURAGES** the United Nations Mission in Burundi, the United Nations Agencies, the European Commission and all other competent organizations to continue to lend their support and cooperation to the African Mission, in particular with regard to the cantonment of combatants, in order to ensure the successful conclusion of the peace process in Burundi.

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United Nations S/2003/761

# Security Council

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## Letter dated 24 July 2003 from the Secretary-General addressed to the President of the Security Council

I have the honour to inform the members of the Security Council that it is my intention to appoint Harri Holkeri (Finland) as my Special Representative and Head of the United Nations Interim Administration Mission in Kosovo (UNMIK). Mr. Holkeri will succeed Michael Steiner who has been reassigned by his Government to other duties.

I should be grateful if you would bring this matter to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

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Security Council

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## Letter dated 28 July 2003 from the President of the Security Council addressed to the Secretary-General

I have the honour to inform you that your letter dated 24 July 2003 (S/2003/761) concerning your intention to appoint Harri Holkeri (Finland) as your Special Representative and Head of the United Nations Interim Administration Mission in Kosovo (UNMIK) has been brought to the attention of the members of the Security Council. They take note of the intention expressed in your letter.

(*Signed*) Inocencio F. **Arias**
President of the Security Council

03-44421 (E) 280703